

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

September 5, 2019

9:00 a.m.

Grant County Board Room (#264)

Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on September 5, 2019 at 9:00 a.m. by Dwight Nelson, the Conservation, Sanitation, and Zoning Committee Chairman, in the Grant County Board Room #264, 111 S. Jefferson St., Lancaster.

Board members present: Dwight Nelson, Lester Jantzen, Mike Lieurance, Gabe Loeffelholz, and Gary Northouse. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Kevin Lange, Joe Schmelz, and Bob Keeney.

## **Certification of Open Meeting Law**

Annette Lolwing sent the agenda to Karla Schwantes and Linda Gebhard to post in the Courthouse in the Administration Building, and on our website, an agenda was sent to Bob Middendorf, WGLR, an agenda was also posted in front of the Ag Service Center Building. Media notices were sent to Karla Schwantes, Linda Gebhard, Herald Independent, Tri County Press, Platteville Journal, Muscoda Progressive, Boscobel Dial, and Bob Middendorf.

## **Approval of Agenda**

Motion by Mike Lieurance, seconded by Gary Northouse to approve the September 5, 2019 agenda. Motion carried.

## **Approval of the August 1, 2019 Minutes**

Motion by Gary Northouse seconded by Gabe Loeffelholz to approve the August 1, 2019 minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Gary Northouse, seconded by Mike Lieurance to accept the bills. Motion carried.

## **Public Hearing for Rezone**

Chairman Nelson opened the Public Hearing

#19-18 Hlavaty Trust, Ellenboro Twp., is requesting to change the zoning classification on

PIN: 0014-00382-0010, of +/- 5.9 ac. from FP to A2 to allow for the use of a non-farm residence and to install solar panels.

In Favor: Ellenboro Twp. approved on August 7, 2019.

In Opposition: None

In Interest: None

Committee Discussion: Mike asked if the +/- 5.9 acres are what is being planned for the solar panel. Hlavaty's own a total of 10.0 acres. The 4.1 acre parcel sits to the Northwest and is undevelopable. Will be rezoning just the parcel that the house is on. Mike asked if this will be taxed as agriculture? Zoning does not change what the property is assessed as the use does. Mike also had a concern with weeds growing up in the solar panel area. There are no recommendations for the final seeding mix but it will be in their yard and maintained as such. For zoning purposes, the solar panels are treated as an accessory structure.

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, seconded by Gabe Loeffelholz that the items are concurrent with all the conditions on the Farmland Preservation Worksheet and to recommend approval of the rezone to the full County Board. Motion carried. See Attachment A Worksheet.

### **Public Hearing for Conditional Use Permits**

Chairman Nelson opened the Public Hearing

#CUP 19-017 Donald Wood Jr., Wingville Twp., is requesting a Conditional Use Permit on PIN: 062-00517-0000 of +/- 3.0 ac. to allow for the use of a single-family dwelling within 1 mile of an existing public water supply or sewage collection system under Chapter 315 Subsection 3.07 (2) (g) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Wingville Twp. approved on June 10, 2019.

In Opposition: None

In Interest: Justin contacted the Montfort Village President on August 21st to inquire if there will be any public water or sewer that would be extended to this site within the next 5 years? There will not be any water or sewer extended to this site. Justin also noted that they already started without the CUP or Zoning permit.

Committee Discussion: Gary asked if they continued building without a permit, would that be a building violation. It will be a zoning violation with an order for correction and the permit fee doubled.

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for the use of a single-family dwelling within 1 mile of an existing public water supply or sewage collection system under Chapter 315 Subsection 3.07 (2) (g) of the Grant County Comprehensive Zoning Ordinance.

Motion carried. See Attachment B Worksheet.

### **Zoning and Sanitation Report**

Lynda reported that we are holding off on the citations until the 3-year maintenance season closes. The deadline for the 3-year maintenance for 2019 was August 31<sup>st</sup>. There are still around 500 maintenance forms yet to come in to the office. When the 2nd notice is sent out, the \$100.00 late fee will be assessed. They will then have until October 31<sup>st</sup> to get the 2<sup>nd</sup> notice turned in to the office. After October 31<sup>st</sup> they will be working toward sending out the citations for 3-year maintenance as well as the orders for correction for sanitation.

There is a Basics of Zoning Workshop for local planning and zoning officials. This will be held in Platteville at the Public Library, November 6<sup>th</sup>, 5:30 to 7:45 p.m. Justin and Lynda will be attending the workshop. Lynda has sent the Basics of Zoning Workshop invitation to all the town board members in the zoned townships, chairman, members and their clerks.

Lynda reported that they are still working on the 90-day extension for the Stewart Garage case to be settled.

The Board of Adjustments for Richard Keene Jr. shed variance was approved. There are 2 BOA's scheduled for September 19<sup>th</sup>, Ruff in Millville Twp., and the Red Top in Jamestown Twp.

The year to date report comparison to last year. Zoning and Sanitation permits are about the same. The only difference is in our maintenance, we are 398 behind last year. Motion by Lester Jantzen, seconded by Mike Lieurance to accept the Zoning and Sanitation Report. Motion carried.

### **County Cost Sharing** – Starting \$7,163.96 /Ending Balance \$6,023.96

Lynda presented an extension request to December 5, 2019, from Tom & Linda Parish, North Lancaster, Twp., \$460.00 for a well decommissioning project; Matt & Becky Mumm, Waterloo Twp., \$5,000.00 for a grade stabilization structure; and Dennis Schmidt, North Lancaster Twp., \$1,000.00 for a well decommissioning project. Motion by Mike Lieurance, seconded by Gary Northouse to approve the extension requests to December 5, 2019 for all three projects. Motion carried.

Lynda presented final approval request for county cost sharing on a manure storage closure for Goodyear Farms, Cassville Twp., \$2,100.00. Motion by Lester Jantzen, seconded by Gary Northouse to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented tentative approval requests for county cost sharing on a well decommissioning project for Clyde Martin, Mt. Ida Twp., \$1,000.00, and for Clinton Henry, Ellenboro Twp., \$540.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve the Martin and Henry request. Motion carried.

### **SWRM Cost Sharing**

**2018 DATCP Cost Sharing** – Beginning \$18,701.92/Ending Balance \$14,172.20

Lynda presented final approval request for 2018 DATCP cost sharing on a streambank protection project for Shemak Farms, Castle Rock Twp., \$4,529.72. Motion by Mike Lieurance, seconded by Lester Jantzen to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

**2019 DATCP Cost Sharing** – Beginning Balance /Ending Balance \$7,563.00

### **Storage Permit Approval**

Lynda has a storage permit request for Bernard Runde, Jamestown Twp., to alter an earthen manure storage facility for 170 Dairy cows. This storage facility was larger than what was exempt through the ordinance. He is closing the storage facility to bring it down to the exempted size. Motion by Gary Northouse, seconded by Mike Lieurance to approve the permit request. Motion carried.

### **Budget Approval**

The budget was approved last month. No changes were made. If no questions or concerns the budget will be sent on to the Finance Department.

### **CSZD Administrator Report**

Lynda reported on the following meetings.

- August 7<sup>th</sup>, Local Workgroup Meeting with NRCS/EQIP
- August 22<sup>nd</sup>, Southern Area Tour. Mike and Lester both reported that it was a good tour.
- August 29<sup>th</sup>, Andy Buttles, Night on the Farm. Well attended.
- September 4<sup>th</sup>, Clean Wisconsin Lafayette County Presentation
- September 12<sup>th</sup>, Soil Sampling Seminar – There are 5 producers signed up to attend.
- September 26<sup>th</sup>, Grant County Rural Stewardship – Mark Borchardt. Mark will speak on the SWIGG Study at the Platteville Public Library at 6:00 p.m.
- Change the October CSZC meeting to October 1<sup>st</sup> at 8:30 a.m. County Board meeting will be at 10:00 a.m.

Lynda sent a letter of support for the UW Soil & Forage Analysis Laboratory Funding. The labs were informed that they needed to raise their prices to fully cover all the expenses as their funding may soon be pulled. A letter of response was received from Douglas J. Reinemann.

Lynda also received a fact sheet from Katie Abbott, Iowa County, showing the statistics of the SWIGG study. The second round of source study has been completed. It usually takes 2 to 3 months to process and get the results.

### **Continuous Improvement Update**

Nothing to report

### **FPP Report**

Kevin reported that he has a Voluntary Notice of Noncompliance with Farmland Preservation for Louis Mohlmann, Platteville Twp. Did not have a DATCP approved NMP by the end of the year. Motion by Mike Lieurance, seconded by Lester Jantzen to approve the Voluntary Notice of Noncompliance. Motion carried.

Kevin reported that last month there were several CREP reenrollments completed. The deadline to have them signed at FSA was August 23<sup>rd</sup>. Kevin received notice from FSA that they will no longer be accepting any CREP applications until further notice.

Kevin is working on the High School Land Judging Contest. It is Grant County's turn to host the contest this year.

Kevin reported that he and Randy laid out 120 acres of contour strips.

### **NRCS Report** – Joe Schmelz

Joe reported that they received more EQIP contracts. This is the biggest year ever for EQIP contracts. They had 54 contracts, with spending just under \$1.7 million. Everything is signed and ready to go.

Joe reported that the planes were aerial seeding 10,000 acres of cover crops. Grant County had 5,000 acres and Crawford had 5,000 acres to be seeded. There were 2 mixes that they used; rye and turnips, and oats and red clover. These seeding mixes were flown on fields.

Joe reported that they have not announced a batching date set for FY2020 EQIP applications.

Joe reported that they have 42 active CSP contracts for around 19,000 acres. All 42 contracts have already brought all their paperwork for their enhancements this year. They have not announced the FY2020 CSP sign up. The CSP sign up will be different.

The only CRP that was eligible for sign up was the CREP. All the CREP renewals are complete. Looked at all the landowners that were interested in the new acres, some moved forward, and some backed out. FSA is planning to have a General CRP sign up this fall.

Joe reported that the CTA acres for conservation planning and strip lay out were around 14,000 acres.

Joe reported that the end of FY2019 will be September 30, 2019.

Joe mentioned that our summer student, Jessica, is now back to school. She will be working on Thursdays.

### **FSA Report** – Nathalie Schattner

No Report

### **Forestry Report** – Brandon Sieck

No Report

Motion by Gary Northouse, seconded Lester Jantzen to adjourn to Tuesday, October 1, 2019 at 8:30 a.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 8/15/19 Landowner: Hlavaty Trust

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Zoning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

Yes or No Explain:

Development (solar panels) will be on non-prime farmland soil.

2. The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

Yes or No or N/A

Explain: Stated on 8/7/19 Township Participation Form

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development. Yes No

Solar panels will be on non prime farmland

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas. Yes No

Panels will be placed at the 50' road setback to reduce impact to pasture

5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels. Yes No

Utility line, current development, and woods occupy majority of parcel.

5.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes No N/A

Not a platted subdivision

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. Yes No N/A

NO ag-related development being proposed

6. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

6.4 Located in a Farmland preservation zoning district

6.5 Covered by a Farmland Preservation Agreement

6.6 Covered by an agricultural conservation easement

6.7 Otherwise legally protected from nonagricultural development

Yes or No

Explain:

Development not proposed on prime farmland

7. The CSZC recommends/does not recommend approval to the Grant County Board of Supervisors (Circle one)

Lester/Gabe

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR DONALD WOOD JR.  
338 RTE 66, WINGVILLE TOWNSHIP, GRANT COUNTY, WI

**FINDINGS OF FACT**

The agency finds that:

1. Donald Wood Jr. owns the property located within the SE ¼ of the SW ¼ of Section 24, Wingville Township, Grant County, WI. Such property consists of tax parcel number PIN: 062-00517-0000
2. During the week of June 3<sup>rd</sup> – June 7<sup>th</sup>, 2019 the Conservation, Sanitation and Zoning Department (CSZD) met with Joe and Cheryl Adamatz to distribute rezone, CUP, shoreland zoning, and zoning permit applications for a home that Donald Wood Jr. wants to build on his property.
3. On August 20<sup>th</sup>, 2019 the Grant County Board of Supervisors approved the rezone request.
4. On June 10<sup>th</sup>, 2019 the Wingville Township Town Board recommended approval for the CUP request to allow for a single family residence within 1 mile of a public sewer and water supply on +/- 3.0 acres. 3 were in favor and 0 opposed. There were no conditions placed on the permit by the Town Board.
5. On June 19<sup>th</sup>, 2019, the department received an application for a conditional use permit request to allow for the use of a single family residence within 1 mile of a public sewer and water supply.
6. On August 22<sup>nd</sup>, 2019 and August 29<sup>th</sup>, 2019, a public notice was published in the County's official newspaper for the CUP request.
7. On August 28<sup>th</sup>, 2019, CSZD staff visited the site to complete a preconstruction inspection. The home is already being built without a CUP and zoning permit which resulted in an order for correction being issued. The shoreland zoning and zoning permit fees will be doubled.
8. On September 5<sup>th</sup>, 2019, the CSZC reviewed the CUP request through a public hearing and determined findings **approving** or **denying** the CUP application.

## FINDINGS OF FACT AND CONCLUSION

1. The CSZC (hereinafter referred to as the agency) has the authority pursuant to the Grant County Comprehensive Zoning Ordinance Ch. 315 Subsection 3.27 (5) to issue or deny conditional use permits. Prior to granting or denying a conditional use, the agency shall make findings of fact based on evidence presented, issue a determination whether the standards of the ordinance are met, and require additional conditions, as needed. Based upon the above findings and information provided at the public hearing, the CSZC finds that the conditional use **does or does not** meet the following criteria:
  - (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
  - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - (6) That adequate prevention and control of water pollution including sedimentation are being provided;
  - (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
  - (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
  - (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
  - (10) That location factors are considered which address:
    - (a) Domestic uses shall be generally preferred;
    - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
    - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
  - (11) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Conservation, Sanitation & Zoning Committee; and
  - (12) In the case of nonmetallic mining, the Conservation, Sanitation & Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.
2. The agency under Ch. 315 Subsection 3.27 (5) (c) shall consider the following criteria: